



Town Council Agenda Report

SUBJECT: Ordinance - Vacation/Abandonment

CONTACT PERSON/NUMBER

Mark Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING AN ACCESS EASEMENT WITHIN THE "HACIENDA RIVERFRONT PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(VA 5-1-00, 24' Access Easement Vacation, Generally located approximately 100' north of the south limits of the plat known as "Hacienda Riverfront".)

REPORT IN BRIEF:

The ordinance vacates a 24' wide access easement; approximately 1,382.89 feet in length, within the subdivision platted as "Hacienda Riverfront" as recorded in Plat Book 146, Page 48, of the Broward County Records.

PREVIOUS ACTIONS:

Town Council application VA 5-1-00 on its merits (Motion carried: 5-0) June 21, 2000.

CONCURRENCES:

Engineering Division recommends approval.

The Planning and Zoning Board recommended approval (Motion carried: 4-0, Mr. Davenport absent, June 14, 2000).

RECOMMENDATION(S): Motion to approve the ordinance.

Attachment(s): Ordinance, Planning Report, Justification Letter, Sketch and Description, Plats, Land Use map, Subject Site map, and Aerial.

Prepared By:
Geri A. Baluss
Town of Davie
6591 Orange Drive
Davie, FL 33314

Return To:
Town Clerk's Office
Town of Davie
6591 Orange Drive
Davie, FL 33314

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ACCESS EASEMENT WITHIN THE "HACIENDA RIVERFRONT PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the access easement located within the "Hacienda Riverfront Plat, specifically described on Exhibit "A" attached hereto, was accepted as a public access easement; and

WHEREAS, it is the desire of the Town Council to vacate and abandon a portion of such access easement; and

WHEREAS, at a meeting of the Town Council on the day of June, 2000, the Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That a portion of the access easement located within the "Hacienda Riverfront Plat, specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. Easements located within the property described on Exhibit "A" are not vacated and shall be maintained in perpetuity.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision

Item No.

and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2000.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.

Exhibit "A"

Original Report Date: May 15, 2000

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner

Name: Hacienda Cove, LLC
Smith, Schuster & Russell, P.A.

Address: 115 NW 167 Street, Ste.300

City: North Miami Beach, FL 33169

Phone: (305) 654-1500

Petitioner

Name: Sarah Stewart, Ruden, McCloskey,

Address: 200 East Broward Blvd.

City: Fort Lauderdale, FL 33301

Phone: (954) 527-6228

BACKGROUND INFORMATION

Application Request: To vacate a portion of a 24' wide access easement; approximately 1,383 feet in length, within the subdivision platted as "Hacienda Riverfront" as recorded in Plat Book 146, Page 48, of the Broward County Records.

Address/Location: 3703 State Road 84

Land Use Plan Designation: Residential (22 du/ac and 10 du/ac)

Existing Zoning: RM-16 Residential Multi-Family (16 du/ac)

Existing Use: Subject site is under development for 317 dwelling units

Proposed Use: Access easement will revert to developed land.

Parcel Size: .7619 acre (33,189.36 square feet)

Surrounding Land Use:

North: North New River Canal

South: State Road 84

East: Low Density Residential (5 du/ac) and Business use

West: State Road 7

Surrounding Zoning:

North: Unincorporated Broward County

South: T. Transportation

East: RM-5, Low Density Residential (Hacienda Village)

West: T, Transportation

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: The subject site was rezoned from Hacienda Village zoning TC-1 and B-2 to Town of Davie RM-16 on April 15, 1998. The site plan for Hacienda Cove was approved by Town Council on June 6, 1999. A site plan modification was approved by Town Council on May 3, 2000.

Summary of Significant Development Review Agency Comments

The Engineering Department recommended approval of the subject request. At the time of finalization of this report, the various utility companies which staff notifies of easement vacation requests have responded with letters of no objection.

Application Codes and Ordinances

Land Development Code Section 12-310 requires that Town Council must review and approve vacations and abandonments by Ordinance, and provides review criteria.

Comprehensive Plan Considerations

Planning Area: This request is in Planning Area 7 which is composed predominantly of conservation use due to the large wetland mitigation areas. The proposed project occupies the western 20 acres of the planning area.

Flexibility Zone: The proposed plat is in Flexibility Zone 58.

Concurrency Considerations: None

Applicable Goals, Objectives & Policies: None

Staff Analysis/Findings of Fact

This access easement to be vacated begins at the east limits of the project known as Hacienda Cove and ends approximately 1,382.89' west of the east limits of the site. At this time the easement is not needed to provide access to the project, as it obtains access from the access road off of State Road 84. The access easement will revert to additional buildable area for this multi-family project..

Subsection 12-310(A)(1) requires that review of vacation of right-of-way requests be based upon whether or not the request adversely affects access to neighboring properties and

adversely affect adjoining properties as the access easement is located internally to the site, and is consistent with the public interest.

Staff Recommendation

Recommendation: Based upon the above and the positive findings of fact, staff recommends approval of application number VA 5-1-00.

Planning and Zoning Board

The Planning and Zoning Board motion to recommend approval (4-0, Mr. Davenport absent) June 14, 2000 meeting.

Exhibits

Ordinance, Planning Report, Justification Letter, Sketch and Description, Plat, Land Use Map, Subject Site Map, and Aerial.

Prepared By: _____

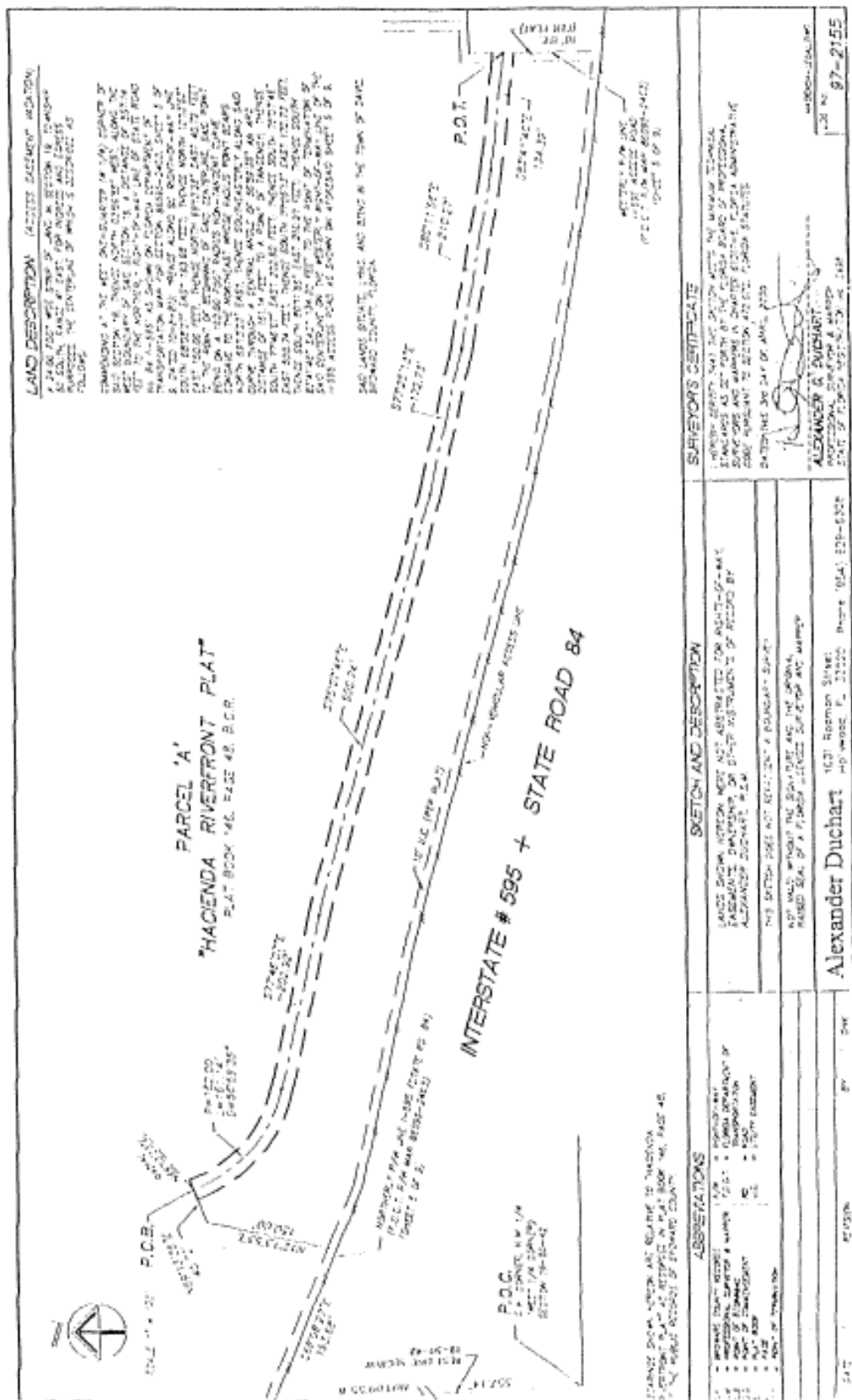
Reviewed By: _____

JUSTIFICATION

An Application has been filed for the vacation of a right-of-way which was dedicated by document to the City of Hacienda Village on November 2, 1983. We believe this right-of-way was given for access to a proposed project which never materialized. The entire plat is now owned by the Petitioner and the access road is no longer necessary for their needs. The right-of-way serves no public purpose.

The Petitioner owns all property abutting the parcel being vacated.

All utility companies have given letters of no objection to this requested vacation of right-of-way. Central Broward, Broward County and Tindall Hammock Drainage Districts were contacted, all indicated that this property was not in their district.



1. *Journal of the American Statistical Association*, 94(447), 1039-1047.

APPROPRIATIONS		SKETCH AND DESCRIPTION		SURVEYOR'S CERTIFICATE	
1. NAME OF SURVEYOR 2. NAME OF PARTY 3. NAME OF PROPERTY 4. NAME OF COUNTY 5. NAME OF TOWNSHIP 6. NAME OF RANGE 7. NAME OF SECTION 8. NAME OF QUARTER SECTION 9. NAME OF SUBSECTION 10. NAME OF LOT 11. NAME OF TRACT 12. NAME OF BLOCK 13. NAME OF STREET 14. NAME OF ALLEY 15. NAME OF DRIVE 16. NAME OF PARK 17. NAME OF GARDEN 18. NAME OF LAKE 19. NAME OF RIVER 20. NAME OF CREEK 21. NAME OF SPRING 22. NAME OF WELL 23. NAME OF POND 24. NAME OF DAM 25. NAME OF FENCE 26. NAME OF GATE 27. NAME OF BRIDGE 28. NAME OF ROAD 29. NAME OF PATH 30. NAME OF TRAIL 31. NAME OF FENCE 32. NAME OF GATE 33. NAME OF BRIDGE 34. NAME OF ROAD 35. NAME OF PATH 36. NAME OF TRAIL 37. NAME OF FENCE 38. NAME OF GATE 39. NAME OF BRIDGE 40. NAME OF ROAD 41. NAME OF PATH 42. NAME OF TRAIL 43. NAME OF FENCE 44. NAME OF GATE 45. NAME OF BRIDGE 46. NAME OF ROAD 47. NAME OF PATH 48. NAME OF TRAIL 49. NAME OF FENCE 50. NAME OF GATE 51. NAME OF BRIDGE 52. NAME OF ROAD 53. NAME OF PATH 54. NAME OF TRAIL 55. NAME OF FENCE 56. 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"HACIENDA RIVERFRONT PLAT"

A PORTION OF THE NORTHEAST ONE QUARTER (1/4) OF SECTION 24, TOWNSHIP 50 SOUTH, RANGE 42 EAST
AND THE NORTHEAST QUARTER (1/4) OF SECTION 19, TOWNSHIP 50 SOUTH, RANGE 42 EAST
AND BEING A REPLAT OF PARCEL "A", HACIENDA VILLAGE FIRE DEPARTMENT PLAT, PLAT BOOK 13, PAGE 35, BROWARD COUNTY RECORDS
AND A PORTION OF TRACT 1, TERL 1, NEWMANS SURVEY, PLAT BOOK 2, PAGE 26, DADE COUNTY RECORDS
TOWN OF DAVE, BROWARD COUNTY, FLORIDA

RECORDS
BROWARD COUNTY DEPT. OF PLANNING
PLAT BOOK 116, PAGE 48, BROWARD COUNTY RECORDS

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SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly licensed Surveyor of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records.

DATE: 11-13-1916

Signature of Surveyor
Surveyor

TOWN OF DAVE
PLANNING AND ZONING BOARD

Signature of Planning and Zoning Board Member
Member

TOWN OF DAVE
PLANNING AND ZONING BOARD

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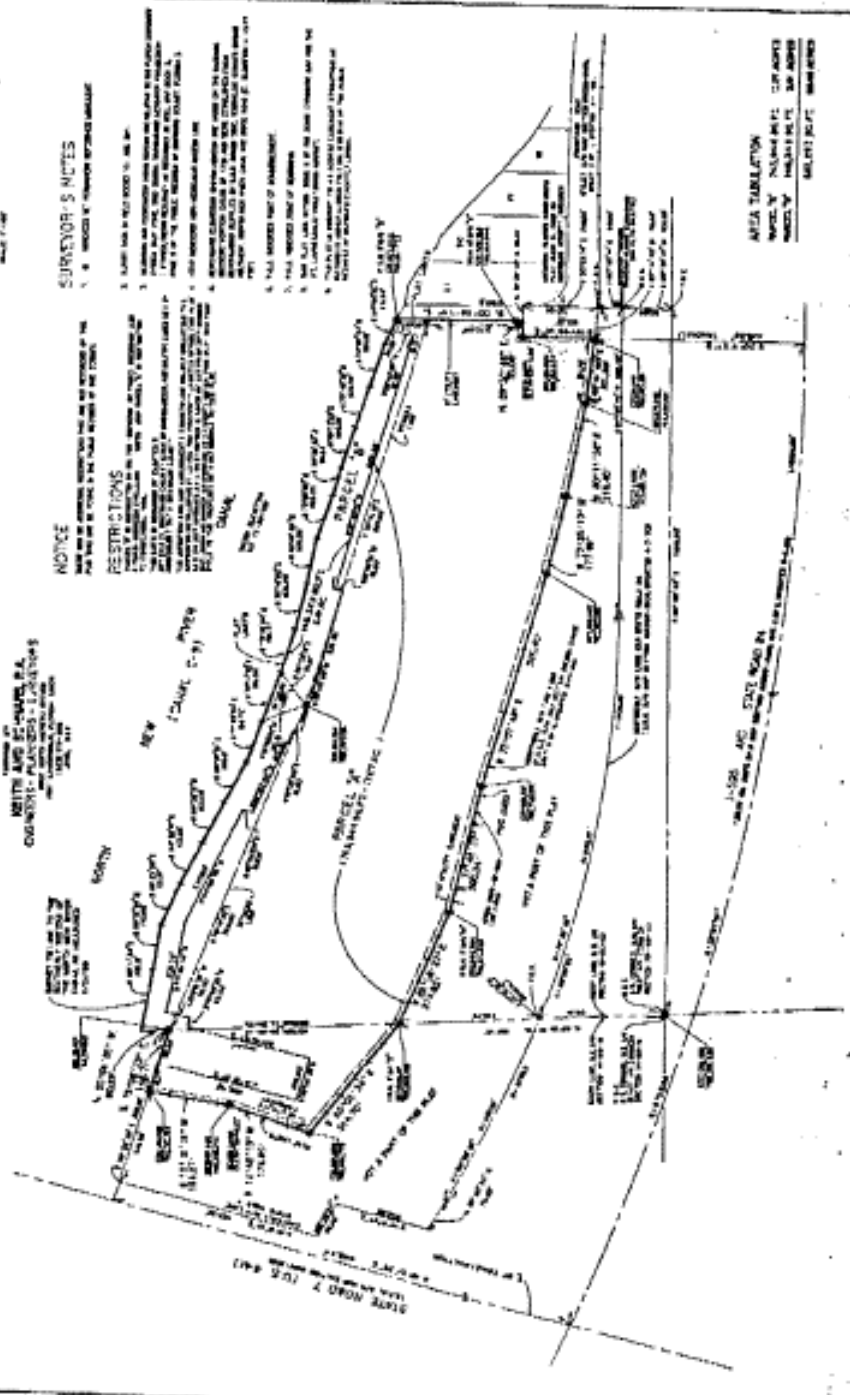
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AND A PORTION OF TRACT 1, TIER 1, "NEWMAN SURVEY", PLAT BOOK 2, PAGE 26, BROWARD COUNTY RECORDS
TOWN OF DANIE, BROWARD COUNTY, FLORIDA.

KEITH L. JONES, P.E.
CIVIL ENGINEER - PLANNING & SURVEYING
1000 N.W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304
TEL: 561-551-1111
FAX: 561-551-1112

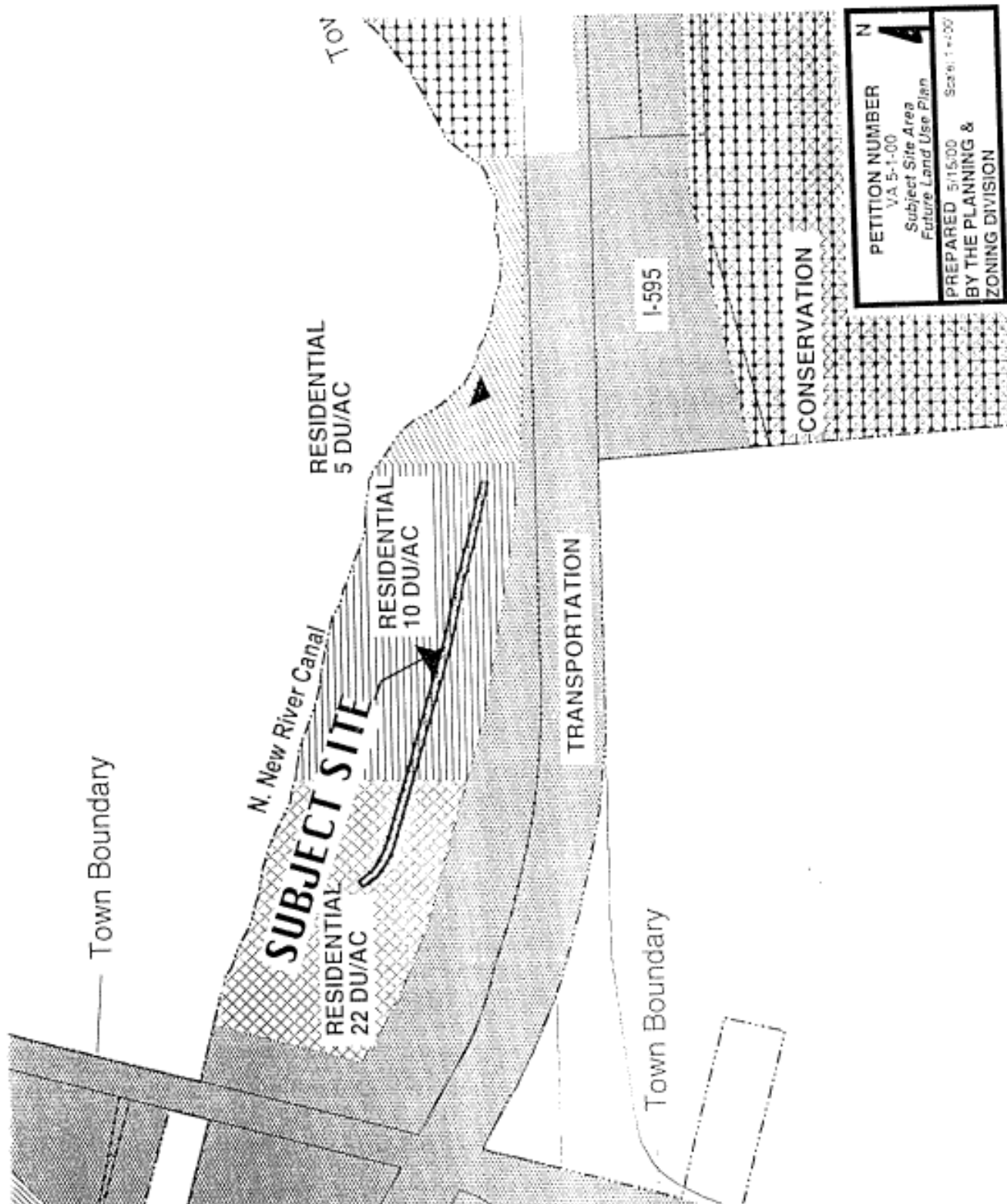
SURVEYOR'S NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S.
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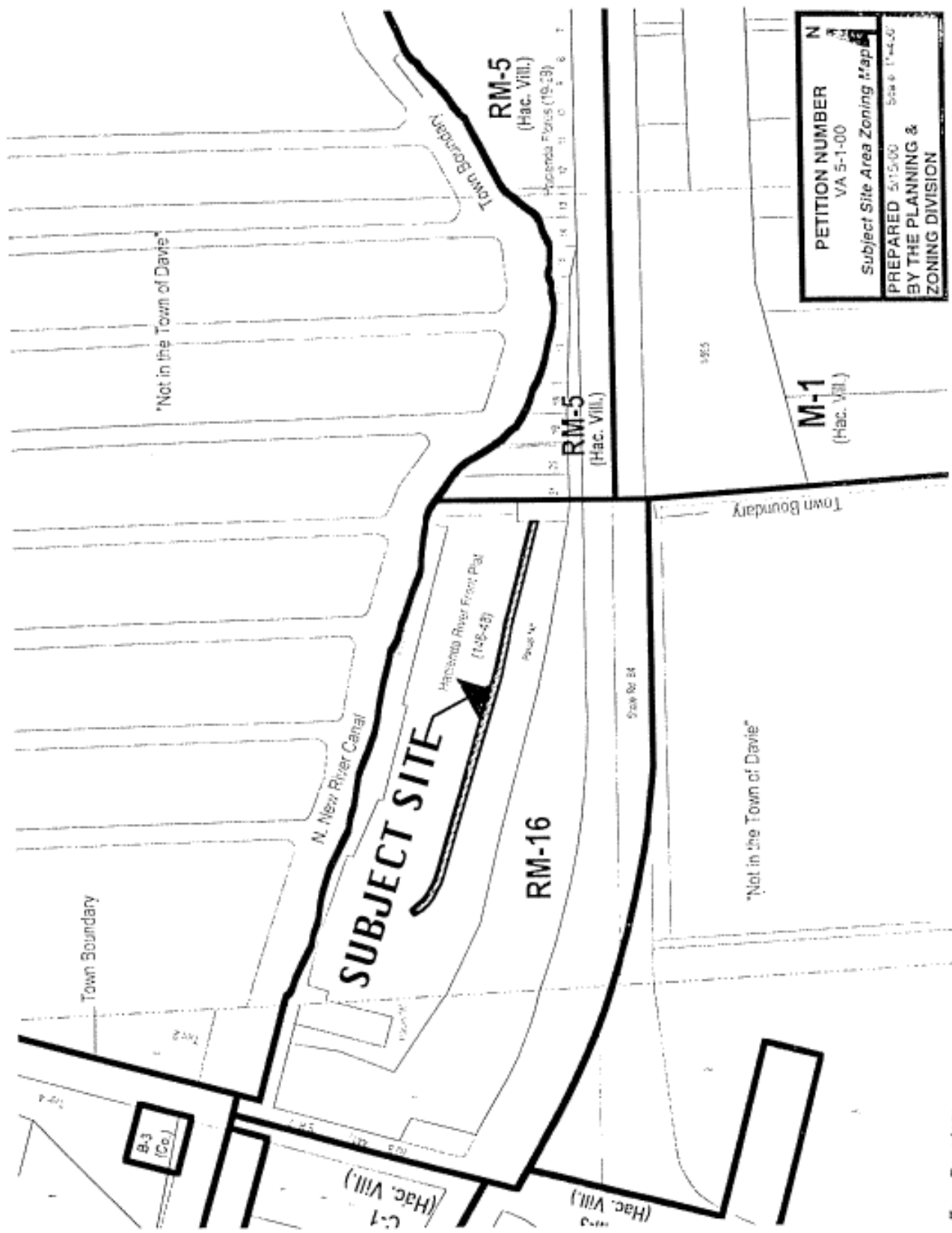


AREA TABULATION

PARCEL A	1.00 AC.
PARCEL B	1.00 AC.
PARCEL C	1.00 AC.
PARCEL D	1.00 AC.
PARCEL E	1.00 AC.
PARCEL F	1.00 AC.
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PARCEL R	1.00 AC.
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PARCEL W	1.00 AC.
PARCEL X	1.00 AC.
PARCEL Y	1.00 AC.
PARCEL Z	1.00 AC.



PETITION NUMBER	N
VA 5-1-00	
Subject Site Area	A
Future Land Use Plan	
PREPARED 5/15/00	Scale: 1"=100'
BY THE PLANNING & ZONING DIVISION	

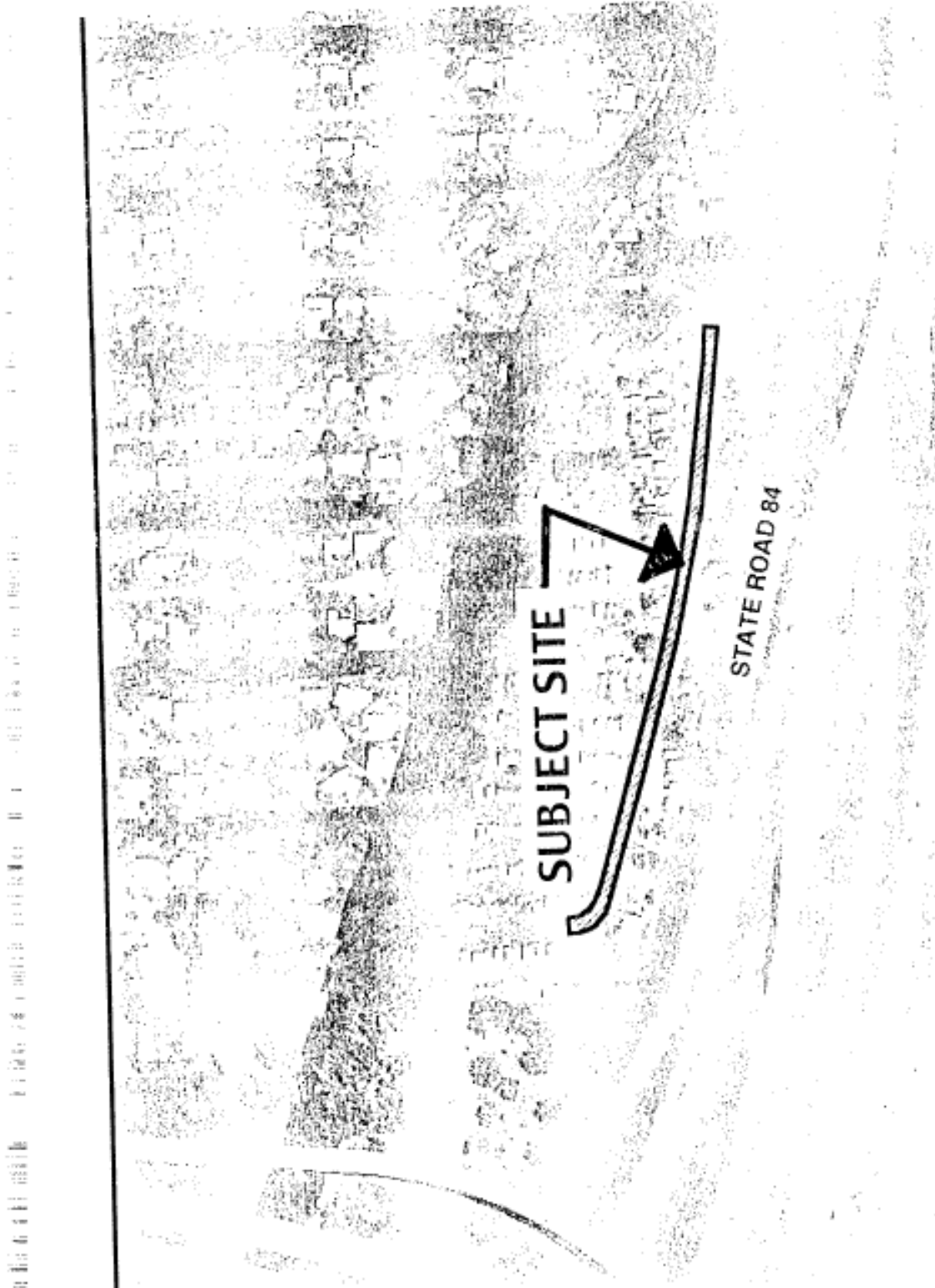


PETITION NUMBER
VA 5-1-00

Subject Site Area Zoning Map

PREPARED 5/15/00
BY THE PLANNING & ZONING DIVISION

Scale 1"=4.0'



SUBJECT SITE

STATE ROAD 84

I-595

N

↑

DATE FLOWN
JANUARY 1998
SCALE: nts
VA 5-1-00